

Entered - 04-4-03 - sb
CL 03L0285 - GWENDOLYN BURNS

CLAIM OF: **GEORGE & MARTHA WILLIAMS**
1476 Northwest Drive, NW
Atlanta, Georgia 30318

04-R-0694

For property damages alleged to have been sustained when a house was structurally compromised due to a deteriorated manhole that created a hazardous condition March 3, 2003 at 1476 Northwest Drive, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **GEORGE & MARTHA WILLIAMS** the sum of **\$2,239.41** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages alleged to have been sustained when a house was structurally compromised due to a deteriorated manhole that created a hazardous condition on March 3, 2003 at 1476 Northwest Drive, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: 
JERRY L. DELOACH
DEPUTY CITY ATTORNEY

FAVORABLE REPORT

COMM: P.S. L.A.

DATE: 4/27/04

CHAIR: K

H. I. Shu

Ray Norwood

Carla Smith

Cela Henderson

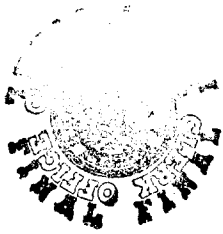
APPROVED


MAY 11 2004

MAYOR

ADOPTED BY
COUNCIL
MAY 3 2004

CERTIFIED
MAY 03 2004



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0694

A RESOLUTION

**BY PUBLIC SAFETY &
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **George & Martha Williams** in the sum of **\$2,239.41** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained when a house was structurally compromised due to a deteriorated manhole that created a hazardous condition March 3, 2003 at 1476 Northwest Drive, NW as set forth in the within claim; said sum taken from and charged to Account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
APPROVED by the Mayor**

May 3, 2004
May 11, 2004

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0285

Date: April 13, 2004

Claimant /Victim GEORGE R. & MARTHA WILLIAMS
BY: (Atty) (Ins. Co.)
Address: 1476 Northwest Drive, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 2,972.40 Bodily Injury \$
Date of Notice: 3/28/03 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 Ante Litem (6 Mo.)
Date of Occurrence 3/3/03 Place: 1476 Northwest Drive, NW
Department WATERSHED MANAGEMENT Division: Sewer Operations
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimants' sustained damage to their home as a result of MARTA buses driving over a depression around a sanitary sewer manhole. An investigation determined that the manhole had deteriorated and the asphalt was caving in around the manhole causing a hazardous condition. Further inquiries showed that the City was on notice of said problem but failed to correct it.


INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report X Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver


BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 2,239.41 Adverse Account charged: 1A01 2PO1 2J01 X 2H01
Claims Manager:  Concur/date 04/15/04
Committee Action: Council Action

COUNCIL OF THE CITY OF ATLANTA
MUNICIPAL CLERK
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335

RECEIVED

MAR 28 2003

MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES *De*

Today's Date: 3-7-2003

Dear Municipal Clerk:

ENTERED - 4-4-03 - SB
03L0285 - GWEN BURNS

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 925.00 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 2 Cant say a long time 2. Time of Incident: just getting bad Police called: No
(month/day/year) Yes No

3. Ceiling has fall & exposed
4. Location of incident (including street address): 1476 North West Dr NW

5. Name of your insurance company: State Farm Policy No. 04353161-27

6. State what and how incident occurred: This been on on going thing for a number of years many people had reported it to North for a long time they sent inspects out they fine out it was the City Fault inspects for the city come out found out it was a problem under the sewer house. It has to shake the house.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: _____
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: _____
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: _____
(Name) (Address) (Telephone Number)

10. The acknowledgment of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).

11. Claims must be received within 6 months of the event.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Geo + Martha Williams
Signature of Claimant

George R Williams
(Print Claimant's Name)

Geo + Martha Williams
(Address)

1476 North West Dr NW
(City, State and Zip Code)

Retelae Bath 404-792-003
(Work Number) (Home Number)

04-R -0694

**MUNICIPAL CLERK
ATLANTA, GEORGIA**

04-R-0694

A RESOLUTION

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